



Select Committee to Protect Private Property Rights

March 13, 2006
3:15 p.m.—5:15 p.m.
Morris Hall

ACTION PACKET

Allan G. Bense
Speaker

Marco Rubio
Chair

COMMITTEE MEETING REPORT
Select Committee to Protect Private Property Rights
3/13/2006 3:15:00PM

Location: Morris Hall (17 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|---------------------|----------------|---------------|----------------|
| Marco Rubio (Chair) | X | | |
| Dean Cannon | X | | |
| Greg Evers | X | | |
| Anitere Flores | X | | |
| Bill Galvano | X | | |
| Ron Greenstein | X | | |
| Denise Grimsley | X | | |
| Arthenia Joyner | X | | |
| Jeffrey Kottkamp | X | | |
| Dick Kravitz | X | | |
| Ralph Poppell | X | | |
| Julio Robaina | X | | |
| John Seiler | X | | |
| Dwight Stansel | X | | |
| Anthony Traviesa | X | | |
| Totals: | 15 | 0 | 0 |

Committee meeting was reported out: Tuesday, March 14, 2006 8:36:31AM

COMMITTEE MEETING REPORT
Select Committee to Protect Private Property Rights
3/13/2006 3:15:00PM

Location: Morris Hall (17 HOB)

Other Business Appearance:

Eminent Domain
Martha Babson (Lobbyist) - Information Only
Riviera Beach Homeowners
156 E. 21st Street
Riviera Beach FL 33404
Phone: 561-844-1418

Committee meeting was reported out: Tuesday, March 14, 2006 8:36:31AM

COMMITTEE MEETING REPORT
Select Committee to Protect Private Property Rights
3/13/2006 3:15:00PM

Location: Morris Hall (17 HOB)

Summary: No Bills Considered

Committee meeting was reported out: Tuesday, March 14, 2006 8:36:31AM

Select Committee to Protect Private Property Rights

Recommendations

3-13-06

At the March 13, 2006, meeting of the Select Committee to Protect Private Property Rights, the Select Committee adopted final recommendations to the House. The recommendations consist of the following legislation, with amendments that are included in the action packet:

HB 1567 by Rubio—Eminent Domain

HJR 1569 by Rubio—Eminent Domain

HJR 1571 by Rubio—Assessment of Newly Established Homestead Property after Eminent Domain Taking of previous Homestead Property

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

22e

Amendment No. (for drafter's use only)

Bill No. HB 1567

COUNCIL/COMMITTEE ACTION

ADOPTED ^{10/4} (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

①
Adopted

1 Council/Committee hearing bill: Select Committee to Protect
2 Private Property Rights
3 Representative(s) Evers offered the following:
4

5 **Amendment**

6 Remove line(s) 61-62

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

32
(2)
Adopted w/out
Objection

Council/Committee hearing bill: Select Committee to Protect
Private Property Rights

Representative(s) Stansel offered the following:

Amendment

Remove line(s) 63-75 and insert:

(g) A natural person or private entity, after public
notice and competitive bidding unless otherwise provided by
general law, if the property was owned and controlled by the
condemning authority or a governmental entity for at least 5
years after the condemning authority acquired title to the
property; or

(h) A natural person or private entity in accordance with
subsection (2).

(2) If ownership of property is conveyed to a natural
person or private entity pursuant to paragraph (1)(a), (b), (c),
(d), (e), or (f), and that natural person or private entity
retains ownership and control of the property for at least 5
years after acquiring title, the property may subsequently be
transferred, after public notice and competitive bidding unless

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 otherwise provided by general law, to another natural person or
22 private entity without restriction.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

22C

Amendment No. (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT *4/10* (Y/N)
WITHDRAWN — (Y/N)
OTHER —

3
Fails

Council/Committee hearing bill: Select Committee to Protect
Private Property Rights
Representative(s) Kravitz offered the following:

Amendment

Remove line(s) 65-72 and insert:
governmental entity for at least 7 years after the condemning
authority acquired title to the property; or

(h) A natural person or private entity in accordance with
subsection (2).

(2) If ownership of property is conveyed to a natural
person or private entity pursuant to paragraph (1) (a), (b), (c),
(d), (e), or (f), and that natural person or private entity
retains ownership and control of the property for at least 7

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1567

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

4

27C

Adopted w/out
objection

Council/Committee hearing bill: Select Committee to Protect
Private Property Rights

Representative(s) Galvano, Cannon, and Kravitz offered the
following:

Amendment

Between lines 307 and 308, insert:

(2) Private property is condemnation-eligible if the
current condition of the property poses an existing threat to
public health or public safety that is likely to continue absent
the exercise of eminent domain as evidenced by at least one of
the following factors:

(a) The property contains a structure which, in its
current condition, has substantial dilapidation which is either
physically incurable or economically incurable in that the cost
of repair of rehabilitation would exceed the replacement cost of
a new structure. Superficial or cosmetic disrepair, which is
reparable by a nominal expenditure, not to exceed 20% of the
market value of the existing structure, shall not constitute

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

dilapidation for purposes of constituting a condemnation-eligible factor;

(b) The property contains a structure which, in its current condition, is unsanitary, unsafe, or vermin-infested, and is designated by the agency responsible for enforcement of the housing, building, or fire codes as unfit for human habitation or use;

(c) The property contains a structure which, in its current condition, is a fire hazard, or otherwise dangerous to the safety of persons or property, and is designated by the agency responsible for enforcement of the housing, building, or fire codes as unfit for human habitation or use;

(d) The property contains a structure from which, in its current condition, the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for human habitation or use; or

(e) The physical condition, use, or occupancy of the property constitutes a public nuisance and the property has been the subject of code violations affecting public health or public safety that have not been substantially rehabilitated within one year of receipt of notice to rehabilitate from the appropriate code enforcement agency.

Renumber subsequent sections.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

ADOPTED ✓ (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

(5)
voice vote

22c

Council/Committee hearing bill: Select Committee to Protect
Private Property Rights
Representative(s) Kravitz offered the following:

Amendment

Remove line(s) 335-336 and insert:
Compliance with s. 163.375 (3) shall also require conspicuous
posting of the notice to the premises of the property to be
acquired. The posted notice shall prominently and legibly
display the information provided in s. 163.375(3)(c). The

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

| | |
|-----------------------|---|
| ADOPTED | <input checked="" type="checkbox"/> (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> (Y/N) |
| ADOPTED W/O OBJECTION | <input type="checkbox"/> (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> (Y/N) |
| WITHDRAWN | <input type="checkbox"/> (Y/N) |
| OTHER | <input type="checkbox"/> |

6
Adopted
Voice
Vote

1 Council/Committee hearing bill: Select Committee to Protect
2 Private Property Rights
3 Representative(s) Kravitz offered the following:
4

5 **Amendment**

6 Remove line(s) 346-348 and insert:
7 notice to all business owners of that business. Compliance with
8 s. 163.375(3) shall also require conspicuous posting of the
9 notice to the premises of the property to be acquired. The
10 posted notice shall prominently and legibly display the
11 information provided in s. 163.375(3)(c). The condemning

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

| | |
|-----------------------|---|
| ADOPTED | <input type="checkbox"/> (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> (Y/N) |
| ADOPTED W/O OBJECTION | <input type="checkbox"/> (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> (Y/N) |
| WITHDRAWN | <input checked="" type="checkbox"/> (Y/N) |
| OTHER | <input type="checkbox"/> |

7
W/D by
Galvano

1 Council/Committee hearing bill: Select Committee to Protect
2 Private Property Rights
3 Representative(s) Galvano offered the following:
4

Amendment

6 Strike lines 476-479 and insert:

7 Section 12. This act shall take effect July 1, 2006 and
8 shall apply to all condemnation proceedings in which a petition
9 of taking is filed pursuant to chapter 73 or 74 on or after that
10 date, or any condemnation proceeding initiated prior to that
11 date wherein the condemnee property owner has not waived any
12 challenge to the condemnor's authority to take the condemnee's
13 property and a final adjudication in the condemnation proceeding
14 is pending in a Florida circuit or appellate court having
15 jurisdiction over the condemnor and condemnee property owner.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

72e

Amendment No. (for drafter's use only)

Bill No. HJR 1569

COUNCIL/COMMITTEE ACTION

ADOPTED 1/4 (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

(1)

1 Council/Committee hearing bill: Select Committee to Protect
2 Private Property Rights
3 Representative(s) Evers offered the following:

4

5 **Amendment**

6 Remove line(s) 48-51

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